



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

LCC:ddj  
Docket No: 5829-98  
14 March 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 4050.1R LFT-3-WC of 7 February 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
2 NAVY ANNEX  
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:

4050.1R  
LFT-3-WC

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION **7 FEB 2000**  
OF NAVAL RECORDS

Subj: [REDACTED]

Ref: (a) Marine Corps Order P4600.39

1. [REDACTED] shipped household goods in excess of his authorized administrative weight allowance. Sergeant Rosatelli was counseled by the Traffic Management Office at Marine Corps Air Station Cherry Point, North Carolina.
2. In accordance with the reference, Okinawa Japan has been declared an area with an administrative weight allowance for all Marines. A Marine Sergeant with three dependents is authorized shipment of up to 2,250 pounds of household goods and 1,200 pounds of unaccompanied baggage at government expense to Okinawa, Japan. Marines are also allowed weight for items that they must take to Okinawa that are not provided in the government quarters. A list of these items is provided by weight allowance to the Marine. A Marine who exceeds the administrative weight allowance is liable for all excess costs incurred. In addition, the Marine is responsible for ensuring that their household goods are properly separated and ready for the carrier's arrival and the proper items get put in the correct shipment.
3. [REDACTED] indicated that he shipped military uniforms that were not counted as professional books, papers and equipment (PBP&E). However, uniforms do not qualify as PBP&E because it must be specialized clothing such as diving suits, flying suits and helmets, band uniforms, etc. Therefore, we are unable to deduct that weight as PBP&E.
4. It is the Marines responsibility to ensure that the proper items are packed and picked up for each shipment. When the Marine signs the inventory, he/she is stating that the carrier has picked up the personal property that he/she wants shipped. If the Marine had a problem with the carrier performance, he was instructed to notify the Traffic Management Office at Marine Corps Air Station Cherry Point, North Carolina, during his counseling.

5 [REDACTED] i was counseled on 4 February 1997 that he was authorized 2,250 pounds for household goods and 1,200 pounds for unaccompanied baggage, with no mention of the shipments being combined. The government deducts 10% for internal packing, from the net weight of all shipments, which has been determined to exceed the weight of internal packing. As for the shipment weight increasing by 150 pounds, the Marine was charged the original weight from when the shipment was picked up in North Carolina.

6. This Headquarters has determined that the Pay Adjustment Authorization is correct as issued, and we are unable to recommend a favorable determination of this case.

  
**F. W. FRANK**  
By direction